

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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PAZ SYSTEMS, INC.,

Plaintiff(s),

ORDER

CV 05-4763 (LDW) (WDW)

-against-

THE DAKOTA GROUP CORP., et al.,

Defendant(s).

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WALL, Magistrate Judge:

Before the court is plaintiff's letter application seeking an order compelling defendants to comply with outstanding discovery requests. See Docket Entry ("DE") [39]. Defendants oppose this motion and cross move for an order limiting the taking of depositions to locations within Suffolk County. DE [40]. For the reasons stated herein, plaintiff's application is granted in part and denied in part, and defendants' application is denied.

Plaintiff seeks an order compelling production of 1) a copy of the computer hard drive that is "at issue" in this case; 2) bank account records for defendant Robert Walsh; and 3) defendants' purchase order, invoices, sales, and customer lists. Defendants' opposition to the first and third requests is not based upon plaintiff's entitlement to those materials, but rather because they contain "confidential, proprietary information." Defendants' opposition can be cured by entry of a confidentiality agreement regarding materials produced in this case. To the extent they have not done so, the parties are directed to prepare such an agreement and submit it to the court by electronic filing **no later than October 3, 2006**. Defendants are directed to be prepared to produce these materials upon the court's approval of the confidentiality agreement.

As to plaintiff's request for Walsh's bank records, defendants argue that plaintiff never demanded those records. The court is unable to confirm this representation since the copy of the document demand provided as part of plaintiff's letter application was missing pages 9 and 10. Thus that portion of plaintiff's request is denied. Defendants are, however, directed to respond to all properly propounded, outstanding discovery requests **no later than October 4, 2006**.

Defendants' application for an order directing the parties to conduct depositions in Suffolk County is denied. Defendants have not shown good cause for issuing a protective order

and have presented no argument sufficient to overcome the general rule that the party noticing the deposition has the right to choose the location.

Dated: Central Islip, New York
September 29, 2006

SO ORDERED:

s/ William D. Wall
WILLIAM D. WALL
United States Magistrate Judge